

LENIENCY WITH SOLDIERS
A.W.O.L.

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Men in Ranks

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Civil War Men in Ranks

Leniency with AWOL Soldiers

Excerpts from newspapers and other sources

From the files of the
Lincoln Financial Foundation Collection

Kata, Trans. 4, Aug 4, 1862
FROM WASHINGTON.

August, 2. The President today pardoned some 90 soldiers confined in the Penitentiary, under sentence of court martial for various offences, in compliance with a recent act of Congress. A few are unconditionally released, unfit for military duty on account of ill health, but the others are required to go to their regiments, or some others in the service.

LINCOLN LORE

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LINCOLN'S LENIENCY WITH SOLDIERS A.W.O.L.

The attitude of Abraham Lincoln, as Commander in Chief of the Union Army during the Civil War, toward soldiers who were found asleep on sentry duty, has been illustrated by several specific incidents published in both prose and poetry. While "asleep at the post" was usually involuntary, desertion was more often premeditated and definitely planned. Lincoln's leniency toward this latter class of violations, also punishable by death, has not been so fully explored as the "sleeping" cases.

In the year 1863 there seems to have been an increasing number of "stragglers," "absentees," or "deserters" in the army, and measures were taken to remedy the deficiency. On March 10 Abraham Lincoln issued "a proclamation respecting soldiers absent without leave." In this proclamation the President not only ordered that "all soldiers now absent from their respective regiments without leave" report at one of the many rendezvous designated, but he set the day, April 1, 1863, as the time limit for the return of all men A.W.O.L. This proclamation was followed by orders which arranged for descriptive lists of all deserters to be systematically kept. A reward of \$5.00 formerly offered for the arrest of a deserter was raised to \$10.00.

Supplementing the move to reduce the number of absentees was an attempt on the part of the President to strike at the cause for many of these desertions. The third paragraph of the proclamation condemns "evil-disposed and disloyal persons at sundry places" who have "enticed and procured soldiers to desert and absent themselves from their regiments." An appeal then was made to "patriotic and faithful citizens to oppose and resist the aforementioned dangerous and treasonable crimes."

On May 16, 1863 three members of the 117th Ohio Volunteers Infantry were tried for desertion by a general court-martial, found guilty and sentenced "to be shot to death at such time and place as may be designated by the commanding officer of the department in which he may be serving, two thirds of the members concerning in the above sentence." On July 28, 1863 a private in Company A, 59th Volunteer was tried for desertion and given the death sentence which the President committed to "hard labor in camp with ball and chain for the period of six months." On August 4 a member of Company E, 44th Regiment of Ohio Volunteer Infantry was tried for desertion and was given the death penalty. The President disapproved the sentence "on account of irregularity in the proceedings." One court-martial on August 7th named six men to be tried for desertion. All were sentenced to death and all subsequently ordered by Lincoln to be released and returned to duty.

While these various trials were going on, a public meeting convening at Albany, New York, took occasion to protest to the President in writing about the arrest of Mr. Vallandigham of Ohio. In the famous letter which Lincoln wrote in reply to the complaint he made a personal application of the appeal which he had emphasized in his proclamation on desertion. He wrote in part:

"Mr. Vallandigham avows his hostility to the war on the part of the Union; and his arrest was made because he was laboring, with some effect, to prevent the raising

of troops, to encourage desertions from the army, and to leave the rebellion without an adequate military force to suppress it. . . .

"I understand the meeting whose resolutions I am considering to be in favor of suppressing the rebellion by military force by armies. Long experience has shown that armies cannot be maintained unless desertion shall be punished by the severe penalty of death. The case requires, and the law and the Constitution sanction, this punishment. Must I shoot a simple-minded soldier boy who deserts, while I must not touch a hair of a wily agitator who induces him to desert? This is none the less injurious when effected by getting a father, or brother, or friend into a public meeting, and there working upon his feelings till he is persuaded to write the soldier boy that he is fighting in a bad cause, for a wicked administration of a contemptible government, too weak to arrest and punish him if he shall desert. I think that, in such case, to silence the agitator and save the boy is not only constitutional, but withal a great mercy."

The shooting of a "simple-minded soldier boy" on the charge of desertion actually would have taken place just about the time Lincoln wrote this letter if the President had not intervened. Mr. Lincoln's reaction in this specific case to the death sentence is recorded in these words: "The sentence be remitted and the accused discharged from the service of the United States, a medical board having pronounced him insane."

Although the penalty for desertion was to be shot to death, the President apparently reviewed very carefully every case as the various notations and observations with reports clearly indicate. We have yet to find where Lincoln allowed the death penalty for desertion to be carried out unless there was some other violation of army regulations which supplemented the desertion charge. In place of the death penalty there follows a few of the sentences which Lincoln issued after remitting the order to be "shot by musketry."

"Forfeiture of all pay and confinement at hard labor on public works during the remainder of his enlistment.

"Making good the time lost by desertion.

"Forfeiture of all pay and allowances except necessary for food and clothing for the period of twelve months and to serve at hard labor for the period of six months.

"Remits the sentence and directs the prisoner return to duty.

"Hard labor on some government work during the remainder of his term with loss of pay.

"Loss of all pay, dishonorable discharge, and hard labor on the public works for the remainder of the prisoners term of enlistment.

"Hard labor in camp with ball and chain for the period of six months.

"Loss of six months pay.

"Released from arrest and returned to duty.

"Confinement at hard labor and forfeiture of ten dollars monthly pay for six months.

"Confinement for three months at hard labor and forfeiture of all pay and allowances due or to become due until the expiration of his sentence."

GREAT EMANCIPATOR'S KINDNESS REVEALED BY LINCOLN STUDENT

William Kugler Tells Little-Known Incident of Prisoner Exchange Resulting from Secret Conference With Confederates

By C. WILLIAM DUNCAN

ABRAHAM LINCOLN'S trait of kindness toward his fellow man was ever evident, says William Kugler, Philadelphia restaurateur and ardent student of the life of Lincoln.



The martyred President even went so far as to risk the wrath of the Nation by having a Confederate lieutenant released from prison in exchange for a man to be selected at random by the lieutenant's uncle, Alexander H. Stephens, Vice President of the Confederate States.

Here is the story as told by Mr. Kugler, who has studied the history of Lincoln for years, but insists he be termed merely a "student" of Lincoln and not an authority on the life of the man whose birth we celebrate Sunday.

"Toward the close of the war F. P. Blair, brother of the then Postmaster General, asked for Mr. Lincoln's permission to go through the Union lines and proceed to the South for a mission which he did not divulge to the President," began Mr. Kugler.

"Permission was granted and the order signed by the President read as follows:

"Allow the bearer, F. P. Blair, to pass the lines, to go South and return."

"Blair went to Richmond and had an interview with Jefferson Davis on the possibility of bringing hostilities to a close. As I said before, Mr. Lincoln had no idea of the purpose of Blair's mission, the latter taking the responsibility on himself.

"Blair returned to the capital and told the President he had talked to Davis and Davis had said he was always ready, at any time, to open negotiations for peace between the 'two countries.' Speaking of the United States and the Confederate States as 'two countries' was not at all pleasing to Mr. Lincoln. He said:

"Blair, there are no two countries, but I am ready at any time to talk peace for our common country."

Held Secret Conference

"Blair returned to Richmond, saw Davis again and pointed out that President Lincoln objected to any negotiations between 'two countries' but was willing to confer for the good of the 'common country.' It is rather interesting how these two leaders fought for their ideas of how the situation should

"It seemed certain that there would be no conference between the Confederate representatives and Mr. Lincoln until this telegram arrived at the Capitol from General Grant:

"I fear their going back without any expression from any one in authority will have a bad influence. I am sorry Mr. Lincoln cannot have an interview with these men."

"Upon receiving Grant's telegram the President decided to see the three Confederates and he set out for Hampton Roads on a mission which was at that time a secret one. He, Secretary Seward, the three Confederate delegates and a Negro servant were the only ones who attended the conference, which took place on a boat called the River Queen off Hampton Roads on the night of February 3, 1865.

"The entire situation was discussed for five hours, but nothing came of it in so far as ending the war was concerned.

Arranged Soldier's Parole

"All this I have told you leads up to the incident revealing once more that trait of kindness toward his fellow man always so evident in Abraham Lincoln. The conference meant nothing toward cessation of hostilities, as I have said, but during it Mr. Lincoln and Mr. Stephens found time to have a little conference of their own. They had been great friends before the outbreak of the war. Mr. Stephens was in Congress and fled South to become Vice President of the Confederacy when it was certain war was going to break out. The outcome of this private conference resulted in this letter written by Mr. Lincoln to the commanding officer at Johnson Island, Ohio:

"Parole Lieutenant John A. Stephens, prisoner of war, to report to me here in person and send him to me. This is in accordance with an arrangement I made yesterday with his uncle, the Hon. A. H. Stephens."

"On February 10 Mr. Lincoln wrote a letter addressed to the Hon. A. H. Stephens, which read as follows:

"According to our agreement your nephew, Lieutenant John A. Stephens, goes to you bearing this note. Please in return select and send to me that officer of the same rank imprisoned at Richmond whose physical condition most urgently requires his release."

"Didn't Mr. Lincoln have any particular Union officer in mind, Mr. Kugler?" I asked.

"No, as the note indicates, kind-hearted Mr. Lincoln wanted Mr. Stephens to have his nephew returned to him and, in exchange, any ill officer released from Richmond. But in so

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"Davis told Blair he understood Mr. Lincoln's feelings in the matter, but that he intended to send three representatives to talk about peace between the two countries.

"These three commissioners got as far as Hampton Roads. President Lincoln sent a military officer there to talk to them and then dispatched Secretary of State Seward for the same purpose. He would not permit the three representatives of the Confederacy to come to Washington because they would not talk about the interests of a 'common country.'"

"Who were the three representatives of the Confederacy, Mr. Kugler?" I asked.

"Alexander H. Stephens, Vice President; R. M. T. Hunter and J. A. Campbell.

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"No, as the note indicates, kind-hearted Mr. Lincoln wanted Mr. Stephens to have his nephew returned to him and, in exchange, any ill officer released from Richmond. But in so doing he ran a fearful risk of public disfavor if his agreement with Stephens had come to light.

"Some time later Congress demanded a complete statement of what Lincoln did aboard the River Queen in regard to negotiations with the Confederate committee for peace. They got it but, of course, this private transaction was not a part of the peace negotiations."

TODAY'S ANNIVERSARIES

1766—Benjamin S. Barton, Philadelphia physician and naturalist, born at Lancaster, Pa. Died December 19, 1815.

1775—Charles Lamb, one of the most delightful of English essayists, born. Died December 27, 1834.

1824—Samuel Plimsoll, English social reformer and friend to the sailor, born. Died June 3, 1898.



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